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CATHY DANA BESSER

SEPTEMBER 24 (legislative day, SEPTEMBER 19), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1640]

The Committee on the Judiciary, to which was referred the bill (S. 1640) for the relief of Cathy Dana Besser, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, and notwithstanding any provisions of law excluding persons of races ineligible to citizenship from admission to the United States, the minor child, Cathy Dana Besser, shall be held and considered to be the natural-born alien child of Staff Sgt. and Mrs. Gerald D. Besser, citizens of the United States.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the racial barrier to admission into the United States in behalf of a minor half-Japanese child who has been adopted by citizens of the United States. The child would be considered to be a nonquota immigrant, which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill was born in Japan on February 7, 1950, of a Japanese mother and an American father. Sgt. and Mrs. Gerald

D. Besser have adopted the child and wish to bring the child with them to the United States when Sergeant Besser's tour of duty expires in October 1951.

A letter dated September 7, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case, reads as follows:

SEPTEMBER 7, 1951.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1640) for the relief of Cathy Dana Besser, an alien.

The bill would provide that Cathy Dana Besser shall be considered to be the natural-born alien child of Staff Sgt. and Mrs. Gerald D. Besser, citizens of the United States.

The files of the Immigration and Naturalization Service of this Department disclose that the alien was born on February 7, 1950, at Misawa, Japan, of a Japanese mother and an American father. She is presently residing in Japan with Tech. Sgt. and Mrs. Gerald D. Besser, her adoptive parents. Sergeant Besser was born on October 10, 1925, at Battle Creek, Mich., and his wife on November 2, 1925, in the same city. Mr. and Mrs. Besser were married on October 7, 1947, and adopted the child on April 16, 1951.

Since the alien is at least 50 percent Japanese, she is ineligible to citizenship under section 303 of the Nationality Act of 1940 and is therefor inadmissible to the United States under section 13 (c) of the Immigration Act of 1924. In the absence of special or general legislation she cannot be permitted to enter the United States for permanent residence.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation. If, however, the measure should receive favorable consideration by the committee, it is suggested that it be amended by deleting everything after the enacting clause and inserting the following: "that, solely for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, and notwithstanding any provisions excluding from admission to the United States persons of races ineligible to citizenship, Cathy Dana Besser, a minor Japanese child, shall be considered the alien natural-born child of Technical Sergeant Gerald D. Besser and his wife, Miami J. Besser, citizens of the United States."

Yours sincerely,

_____,
Deputy Attorney General.

Senator Blair Moody, the author of the bill, has submitted the following information in support of the bill:

JULY 17, 1951.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR MCCARRAN: This will acknowledge your letter of July 11 regarding S. 1640. The subject of this bill, Cathy Dana Besser, was born on February 7, 1950, at Misawa, Japan. She is the daughter of a Japanese mother and an American father stationed with the occupation forces in Japan. She has been adopted by S/Sgt. and Mrs. Gerald D. Besser, 271 Chestnut Street, Battle Creek, Mich.

Staff Sergeant Besser is scheduled to return to the United States "around the middle of October this year" and "a recent regulation has made it impossible to extend a foreign service tour beyond the normal expiration date."

I shall, therefore, greatly appreciate early action on this particular bill S. 1640.

If you have further questions, I shall, of course, be happy to hear from you.

Sincerely yours,

BLAIR MOODY, *United States Senator.*

DET. 1954–1, 1954TH AACS SQUADRON,
APO 328, CARE OF POSTMASTER,
San Francisco, Calif., May 9, 1951.

Hon. BLAIR MOODY,
United States Senate, Washington 25, D. C.:

I wish to introduce myself as S/Sgt. Gerald D. Besser. My permanent home address is 271 Chestnut Street, Battle Creek, Mich.

My wife, Miami J. Besser, and I have recently adopted a 15-month-old girl, named Emiko Kondo, from the Child Welfare Center in Tachikawa, Japan. This child was born of a Japanese mother and an American father stationed with the occupation forces in Japan. Since adopting the child we have given her the name of Cathy Dana Besser.

My wife and I would greatly appreciate your obtaining a waiver of immigration laws so that we will be able to bring our adopted daughter into the United States, and also introduce legislation to acquire citizenship for her.

I understand that Senator Knowland of California has submitted a bill on behalf of an adoption by Col. Marion Tadlock, an American citizen, who is now stationed in Japan.

My tour of duty in Japan terminates in October of this year. A recent regulation has made it impossible to extend a foreign service tour beyond the normal expiration date, so our expected arrival in the United States will be around the middle of October of this year.

We would greatly appreciate you doing your utmost to help us and to see that our request is favorably acted upon at least 45 days prior to our expected departure from Japan.

Sincerely,

GERALD D. BESSER,
Staff Sergeant, USAF, AF16302470.

AGREEMENT

APRIL 16, 1951.

To: Kiyoko Kondo, Tokyo Welfare Center.

1. I agree to adopt Emiko Kondo.
2. I will take her to the United States of America.
3. I will raise this child, educate and give her every protection and love that is possible.
4. While I am in Japan, the Japanese custodians are welcome to visit my home at any time to report on the child's care.
5. If the child is not receiving the proper care, I understand that the child may be taken from me.

GERALD D. BESSER, *Husband.*
MIAMI J. BESSER, *Wife.*

Witnessed by:
RALPH E. TROSA (?).
MAXINE T. FINGER.

AIRWAYS AND AIR COMMUNICATIONS SERVICE,
DETACHMENT 1954–1, 1954TH AACS SQUADRON,
APO 328, CARE OF POSTMASTER,
San Francisco, Calif., May 3, 1951.

Subject: Letter of recommendation.
To: Senator Blair Moody.

Staff Sgt. Gerald D. Besser, AF16302470, a member of my command, has completed the legal steps necessary to adopt a Japanese-American child in the country of Japan. Now, he is in the process of meeting the requirements of the laws governing this matter in the United States. For the above reason I have undertaken to write this letter in hopes that it will make his endeavors progress smoothly.

On September 7, 1949, Staff Sergeant Besser became a member of this organization. Since that time he has been an outstanding airman. He is courteous, intelligent, cooperative, reliable, and possesses the ability to mix well with others. I believe he and his wife will make excellent parents and provide very well for the little girl. Staff Sergeant Besser has impressed me very forcibly and I admire him for undertaking this additional responsibility.

At the present time Staff Sergeant Besser's name has been sent to higher headquarters to be considered for promotion to the grade of technical sergeant. His future status in life appears to be a bright and sound one. Since this detachment is small, my personnel knowledge of the men and their families is fairly complete and I feel satisfied that the child will have a good home.

With the above facts in mind, I recommend this family to you for whatever judicial held is necessary to make this undertaking possible.

CHARLES H. YOUNG, Jr.,
First Lieutenant, USAF,
Detachment Commander.

OFFICE OF THE CHAPLAIN,
HEADQUARTERS 6161ST AIRBASE WING,
APO 328, May 3, 1951.

Subject: Character recommendation.
To: Hon. Blair Moody, United States Senate, Washington 25, D. C.

1. It is recommended that serious consideration be given the application for the adoption of a child herewith submitted by S/Sgt. Gerald D. Besser and his wife.

(*a*) Both applicants possess all the necessary qualifications to assume adequate parenthood for the orphan.

(*b*) They are also prepared financially to support and educate her, and to provide a suitable home.

(*c*) The parents request approval on their own volition and to fulfill personal desires.

CLARENCE O. MILLER,
Chaplain (Captain), USAF,
Wing Chaplain.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1640), as amended, should be enacted.

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